

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 6385 of 2007()

CRIME NO.282/06 OF CENTRAL POLICE STATION, ERNAKULAM.

PETITIONERS/2ND & 3RD ACCUSED

1. DILEEP.K.,AGED 31 YEARS,
S/O.P.A.PEETHAMBARAN, PUTHIYEDATH HOUSE,
THODUPUZHA P.O., IDUKKI.
2. LATHEEF, AGED 35 YEARS,
MARATTYKUNNEL HOUSE,
VENGALLOOR P.O., THODUPUZHA,
IDUKKI.

BY ADV. SRI.FEBIN J.VELUKARAN

RESPONDENTS: COMPLAINANTS

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING SUB INSPECTOR, CENTRAL STATION,
ERNAKULAM.

BY P.P. SRIJAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A. No. 6385 OF 2007

Dated this the 16th day of October, 2007

ORDER

The petitioners are accused 2 and 3 in a prosecution for the offence punishable under Sec.408 of the IPC. Cognizance was taken as early as in 2006; but the petitioners have not entered appearance so far. Warrants of arrest issued by the learned Magistrate are chasing the petitioners.

2. According to the petitioners, they are absolutely innocent. Their absence earlier was not wilful or deliberate. In these circumstances, the petitioners are willing to surrender before the learned Magistrate and seek regular bail. The petitioners apprehend that their applications for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is, in these circumstances, that the petitioners have come to this Court for

a direction to the learned Magistrate to release them on bail when he appears before the learned Magistrate.

3. It is for the petitioners to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which they could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioners' applications for regular bail on merits, in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

4. In the result, this bail application is dismissed; but with the observation that if the petitioners surrender before the learned Magistrate and seek bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge